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**Department  
of Health**

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, MD, MPH**  
Commissioner

**JOHANNE E. MORNE, MS**  
Executive Deputy Commissioner

November 21, 2024

**CERTIFIED MAIL/RETURN RECEIPT**

Yoni Lautman, Administrator  
Delmar Center for Rehabilitation and Nursing  
125 Rockefeller Road  
Delmar, New York 12054



Gloria Murray, Ombudsman Coordinator  
Long Term Care Ombudsman Program  
Catholic Charities Tri-County Services  
1462 Erie Boulevard 2nd Floor  
Schenectady, New York 12305

**RE: In the Matter of [REDACTED] – Discharge Appeal**

Dear Parties:

Enclosed please find the Decision After Hearing in the above referenced matter. This Decision is final and binding.

The party who did not prevail in this hearing may appeal to the courts pursuant to the provisions of Article 78 of the Civil Practice Law and Rules. If the party wishes to appeal this decision it may seek advice from the legal resources available (e.g. their attorney, the County Bar Association, Legal Aid, etc.). Such an appeal must be commenced within four (4) months from the date of this Decision.

Sincerely,

Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

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In the Matter of an Appeal, pursuant to  
10 NYCRR 415.3, by



Appellant,

from a determination by

**Delmar Center for Rehabilitation and Nursing,**

Respondent,

to discharge her from a residential  
health care facility.

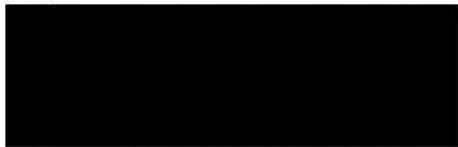
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DECISION  
AFTER  
HEARING

Hearing before: Kathleen Dix  
Administrative Law Judge  
November 13, 2024  
By WebEx Videoconference

Parties: Delmar Center for Rehabilitation and Nursing  
125 Rockefeller Road  
Delmar, New York 12054  
By: Yoni Lautman, Administrator



By: Gloria Murray, Ombudsman  
Long Term Care Ombudsman Program  
Catholic Charities Tri-County Services  
1462 Erie Boulevard 2nd Floor  
Schenectady, NY 12305

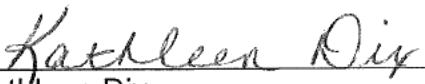
By notice dated [REDACTED] 2024, Delmar Center for Rehabilitation and Nursing, (Respondent), a residential health care facility subject to Article 28 of the Public Health Law, determined to discharge / transfer [REDACTED] (Appellant) from care and treatment in its facility. The Appellant appealed the determination to the New York State Department of Health pursuant to 10 New York Codes, Rules, and Regulations (NYCRR) § 415.3(i).

A hearing was held on [REDACTED] 2024. Evidence was received (ALJ Exhibit I - Notice of Hearing and Notice of Discharge or Transfer; Respondent's Exhibit A - Business office notes dated [REDACTED] 2024 [REDACTED] 2024, and Exhibit B - Physician progress note for [REDACTED] 2024 encounter) and witnesses were examined (Yoni Lautman, Administrator, Lindsey Brooks, Business Office Manager, and Meghan Goodspeed, Director of Social Work, on behalf of the Respondent; and [REDACTED] [REDACTED], Appellant and [REDACTED], Appellant's [REDACTED] on her behalf.) The Appellant was represented by Gloria Murray, Ombudsman. A digital recording of the hearing was made. (1h. 8m.)

On [REDACTED] 2024, the Respondent sent written notification that the Appellant advised that she had secured an apartment in the community and that she was discharged from its facility with her [REDACTED] on that same date. Also on [REDACTED] 2024, Ombudsman Murray confirmed in writing that the Appellant had discharged herself from the Respondent's facility to an apartment on [REDACTED] 2024. On [REDACTED] 2024, the Appellant notified the Department via telephone that she had secured an apartment and gave the address, that she had left the Facility on [REDACTED] 2024, and that she did not want to pursue this discharge appeal.

Accordingly, there is no issued to be decided and this matter is dismissed.

Dated: Menands, New York  
November 21, 2024

  
\_\_\_\_\_  
Kathleen Dix  
Administrative Law Judge

To: Yoni Lautman, Administrator  
Delmar Center for Rehabilitation and Nursing  
125 Rockefeller Road  
Delmar, New York 12054  
[ylautman@delmarcenter.net](mailto:ylautman@delmarcenter.net)

[REDACTED]

Gloria Murray, Ombudsman Coordinator  
Long Term Care Ombudsman Program  
Catholic Charities Tri-County Services  
1462 Erie Boulevard 2nd Floor  
Schenectady, NY 12305  
[gmurray@cathcharschdy.org](mailto:gmurray@cathcharschdy.org)